

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CENTRAL SECTION

**LOUIS P. ALBERGHINI,**  
Plaintiff,

V.

**SIMONDS INDUSTRIES, INC.,**  
Defendant.

CIVIL ACTION NO. 04-40092-FDS

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Plaintiff to oppose the Defendant's motion for summary judgment.

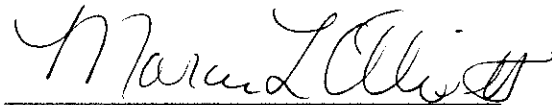
As grounds for his opposition the Plaintiff states as follows:

1. Plaintiff's evidence has established material facts of genuine issue for trial such that a reasonable jury could return a verdict for him.
2. Plaintiff's evidence is sufficient "to enable a rational factfinder reasonably to infer that unlawful age discrimination was a determinative factor in his termination.
3. Plaintiff produces some evidence that his layoff occurred in circumstances that would raise a reasonable inference of discrimination.
4. Plaintiff has shown that the Defendants reasons for terminating him are pretexts for age discrimination.
5. The Plaintiff submits true and exact copies of all documentary evidence, deposition transcripts, trial transcripts and all other attachments to his opposition.

In support of his opposition the Plaintiff submits the attached memorandum of law and the Plaintiff relies on the complaint, the answer, the affidavits and the appendixes referenced in his concise statement of material facts in dispute.

WHEREFORE the Plaintiff prays the court to deny the Defendant's motion for summary judgment on Counts I, II, and IV of his complaint. Plaintiff concedes that Count III should be dismissed.

LOUIS ALBERGHINI,  
THE PLAINTIFF  
BY HIS ATTORNEYS,

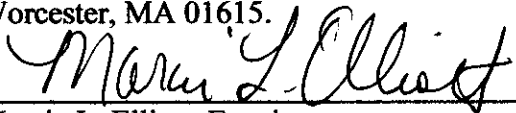


Marcia L. Elliott, Esq. (BBO# 564291)  
John M. Flick, Esq. (BBO# 652169)  
Elliott Law Office, P.C.  
307 Central Street  
Gardner, MA 01440  
(978) 632-7948

Dated: September <sup>15</sup>\_\_\_\_, 2005

**CERTIFICATE OF SERVICE**

I, Marcia L. Elliott, Esquire, hereby certify that I have this day served a true copy of the foregoing by mailing said copy, first class, postage prepaid to Defendant's attorney, Jonathan Sigel at Bowditch & Dewey, LLP, 311 Main Street, Worcester, MA 01615.

  
\_\_\_\_\_  
Marcia L. Elliott, Esquire